

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARION HILL ASSOCIATES, INC.,	)	
	)	2:20-cv-379
Plaintiff,	)	
	)	Judge Robert J. Colville
v.	)	
	)	Magistrate Judge Lisa Pupo Lenihan
JOHN PUSHAK, III,	)	
	)	
Defendant.	)	

**ORDER OF COURT**

Before the Court is the July 23, 2020 Report and Recommendation of the Honorable Lisa Pupo Lenihan (ECF No. 32) recommending that the Motion to Stay and Lift Injunction to Prosecute State Court Suit (ECF No. 22) be granted in part and denied in part.

Objections to Judge Lenihan's Report and Recommendation were due by August 6, 2020. No objections were filed, and the matter is now ripe for disposition.

The district court must make a *de novo* determination of those portions of the report to which objections are made. 28 U.S.C. § 636(b)(1)(C); *see also Henderson v. Carlson*, 812 F.2d 874, 877 (3d Cir.1987). This Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The district court judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.

Upon review of the July 23, 2020 Report and Recommendation of the Honorable Lisa Pupo Lenihan (ECF No. 32), as well as a review of the entire record in this matter, and applicable case law, it is hereby ORDERED as follows:

The Court hereby adopts Judge Lenihan's Report and Recommendation as the Court's Opinion with respect to Claimant's Motion to Stay and Lift Injunction to Prosecute State Court Suit (ECF No. 22). Said motion is GRANTED IN PART and DENIED IN PART.

Defendants' Motion is GRANTED with respect to the Motion to Stay. It is hereby ORDERED that the stipulations shall be amended by the filing of Joint Proposed Stipulations on or before **August 28, 2020** as follows: 1) the portion of Paragraph 1 of the proposed stipulations be amended to delete the language regarding the maintenance and cure claim; 2) any stipulation concerning waiver of res judicata should include a decision or judgment in any proceeding or forum; 3) Stipulation 6 should be amended to provide for continuing jurisdiction of this Court over any other proceedings filed by Pushak against Marion Hill in any forum; and 4) no definitive statement about exoneration be included in the stipulations adopted by the Court. The Motion is denied with respect to the claim set forth in paragraph 15.

A decision on the Motion to Lift the Injunction is DEFERRED pending the filing of said stipulations.

BY THE COURT:

s/Robert J. Colville  
Robert J. Colville  
United States District Judge

DATED: August 13, 2020

cc: Hon. Lisa Pupo Lenihan

All counsel of record via CM-ECF